

Remarks

The above Amendments and these Remarks are in reply to the outstanding Office Action. Claims 1-10 are presented herewith for consideration. Claims 1 and 6-8 are amended. Certain claims have been amended to correct grammar, typographical errors and/or antecedent basis.

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,266,681 B1 ("*Guthrie*") in view of U.S. Patent No. 5,590,197 ("*Chen*").

I. Rejection of Claims 1-10 under 35 U.S.C. §103(a)

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Guthrie* in view of *Chen*.

In rejecting claims 1-10, the Examiner stated:

Guthrie discloses the claimed invention but does not directly disclose the use of a credit card for payment...Chen teaches the use of an ordinary credit card to make an online purchase. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Guthrie as taught by Chen to include allowing payments via credit card. Such a modification would have helped increase sales by allowing for a very convenient payment. Office Action, page 3.

The Applicant's attorney respectfully disagrees. Claim 1 includes at least 11 different claim elements. Yet, the Examiner has not cited one Figure, one component or one passage (i.e. Column and line numbers) in *Guthrie* that discloses any of the at least 11 elements of claim 1. The Examiner has improperly provided a mere conclusive statement of "Guthrie discloses the claimed invention..." without pointing to one factual reference or particular disclosure in *Guthrie*. Similarly, the Examiner has not cited which claimed element in claim 1 is not disclosed in *Guthrie* ("the use of credit card for payment" is not found in claim 1) and where the missing claim element is disclosed in *Chen*.

Nevertheless, the cited art does not disclose or suggest particular elements of claim 1. Claim 1 calls for "converting the user identification value to a promotional information; adding the promotional information, by the associate processing device, to the purchase information responsive to the user identification value..." which is not disclosed or suggested by *Guthrie* and/or *Chen*. While the Examiner has stated *Chen* teaches the use of credit cards, the Examiner has not identified where the cited art discloses "a user identification value," "promotional information," "converting the user identification value to a promotional information" and "adding promotional information...to the purchase information responsive to the user identification value..." Assuming *arguendo* that the Examiner believes that the

claimed “identification value” is a disclosed credit card number, there is still no disclosure of “converting” the credit card number to “a promotional information” and “adding the promotional information ... to the purchase information responsive to the user identification value” in *Guthrie* and/or *Chen*.

Claim 4 depends from claim 1 and is patentable for at least the reasons stated above in regard to claim 1. Further, claim 4 calls for “the promotional information includes a key value associated with the first merchant” which is not disclosed or suggested by *Guthrie* and/or *Chen*.

Claim 9 depends from claim 1 and is patentable for at least the reasons stated above in regard to claim 1. Further, claim 9 calls for “the associate processing device includes a data base having a relation between the promotional information and the user identification value” which is not disclosed or suggested by *Guthrie* and/or *Chen*.

Therefore, it is respectfully requested the Examiner withdraw the rejection to claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over *Guthrie* in view of *Chen*.

II. Examiner’s Assertions regarding Claim Interpretation

Since the Applicant’s attorney believes the present claims are patentable for the reason stated above, the Applicant’s attorney believes the Examiner’s assertion regarding claim interpretation, and in particular, whether the Applicant has “(a) already used lexicography or (b) wish to use lexicography” (Office Action, pages 3-7) is considered moot. Accordingly, the Applicant’s attorney does not address the Examiner’s assertions regarding claim interpretation and expressly reserves the right to identify in the Specification and/or file history a meaning of a claim term if the present claims are further rejected.

III. Examiner’s Assertions regarding Product-by-Process Limitations

Likewise, since the Applicant’s attorney believes the present claims are patentable for the reason stated above, the Applicant’s attorney believes the Examiner’s assertion regarding product-by-process limitations (Office Action, pages 7-8) is considered moot. Accordingly, the Applicant’s attorney does not address the Examiner’s assertions regarding product-by-process limitations and expressly reserves the right to cite product-by-process limitations if the present claims are further rejected.

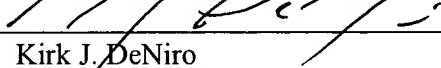
Based on the above amendments and these remarks, reconsideration of claims 1-10 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: 
Kirk J. DeNiro
Reg. No. 35,854

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, CA 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665